

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                                  |   |                                 |
|----------------------------------|---|---------------------------------|
| RAYMOND WARE,                    | ) | CIVIL NO. 04-00671 HG/LEK       |
|                                  | ) |                                 |
| Plaintiff,                       | ) | <b>DECLARATION OF COUNSEL ;</b> |
|                                  | ) | <b>EXHIBIT 1 &amp; 2</b>        |
| vs.                              | ) |                                 |
|                                  | ) |                                 |
| MICHAEL CHERTOFF, Secretary,     | ) |                                 |
| Department of Homeland Security; | ) |                                 |
| JOHN DOES 2-5,                   | ) |                                 |
|                                  | ) |                                 |
| Defendants.                      | ) |                                 |
|                                  | ) |                                 |

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DECLARATION OF COUNSEL

DAPHNE E. BARBEE declares under penalty of perjury as follows:

1. Declarant is the attorney representing Plaintiff Ware in the above-entitled case.
2. On July 9, 2008 a Final Judgment in this civil case was filed in the above-entitled matter. See Exhibit 1 attached.
3. The Final Judgment did not include the \$5,314.51 in medical expenses which the Court previously ordered defendant pay to plaintiff. See Exhibit 2 attached.

4. In order to accurately reflect the judgment, plaintiff requests that this Court amend the Final Judgment filed July 9, 2008 to include and Order that Defendant reimburse to Plaintiff the amount of \$5,314.51 in medical expenses.

5. Plaintiff called the AUSA attorney Tom Helper in order to obtain a stipulation regarding this matter on July 9, 2008. However there has been no returned telephone call as of this date.

Further declarant sayeth naught.

DATED: Honolulu, Hawaii, 7-14-08.

  
DAPHNE E. BARBEE  
Attorney for Plaintiff